

June 15, 2017

**EX PARTE NOTICE VIA ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Notice of Ex Parte Presentation, *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, PS Docket No. 16-269**

Dear Ms. Dortch:

On Tuesday, June 13, 2017, Michael D. Rosenthal, Director of Legal & External Affairs for Southern Communications Services, Inc. d/b/a Southern Linc (Southern Linc) and Trey Hanbury and Sean Spivey, Counsel to Southern Linc, met with (1) Zenji Nakazawa, Legal Advisor to Chairman Ajit Pai; (2) Daudeline Meme, Legal Advisor to Commissioner Mignon Clyburn and Jeremy Greenberg, legal intern in Commissioner Clyburn's office; and (3) Erin McGrath, Legal Advisor to Commissioner Michael O'Rielly, to discuss the agency's draft Report and Order regarding review of requests to opt-out from the First Responder Network Authority's (FirstNet's) plan for the nationwide public safety broadband network (NPSBN) in a state.<sup>1</sup>

During the meetings, Southern Linc expressed its support for the Draft Order, including the FCC's acknowledgment that "Congress intended to establish a process that affords states a meaningful opportunity to 'develop and complete requests for proposals,' as well as to prepare and file the required opt-out plan with the Commission."<sup>2</sup> Southern Linc also supported the Draft Order's conclusion that "[s]tates are entitled to make a deliberate, informed choice to opt-out of the network, so long as the statutory requirements are met."<sup>3</sup> Southern Linc discussed the arguments raised in its most recent *ex parte* letters responding to AT&T and FirstNet.<sup>4</sup>

---

<sup>1</sup> See *Procedures for Commission Review of State Opt-Out Requests from the FirstNet Radio Access Network*, Draft Report and Order, FCC-CIRC1706-02, PS Docket No. 16-269 (rel. June 1, 2017) ("Draft Order").

<sup>2</sup> *Id.* ¶ 17.

<sup>3</sup> *Id.*

<sup>4</sup> See *Ex Parte* Letters from Trey Hanbury, Counsel, Southern Communications Services, Inc. d/b/a Southern Linc to Marlene H. Dortch, Secretary, FCC, PS Docket No. 16-269, GN Docket No. 17-83 (filed June 14, 2017), *attached to Ex Parte* Letter from Trey Hanbury, Counsel, Southern

Southern Linc also asked that the Draft Order disregard the “interoperability compliance matrix” FirstNet recently submitted in this proceeding.<sup>5</sup> FirstNet has provided no context for this spreadsheet and the document itself references numerous other documents that, in turn, refer to voluminous and highly technical standards documents and industry best-practices criteria. Neither the public, nor the Commission has had a meaningful opportunity to review FirstNet’s “interoperability compliance matrix” or the highly technical materials the submission incorporates by reference. While the materials FirstNet submitted may yet prove relevant, FirstNet’s belated submission has no place in the Draft Order.

Please contact me with any questions about this submission.

Respectfully submitted,

/s/ Trey Hanbury

Trey Hanbury  
Partner  
trey.hanbury@hoganlovells.com  
D 1+ 202 673 5534

cc: Zenji Nakazawa  
Daudeline Meme  
Erin McGrath  
Jeremy Greenberg

---

Communications Services, Inc. d/b/a Southern Linc to Marlene H. Dortch, Secretary, FCC, PS Docket No. 16-269 (filed June 14, 2017).

<sup>5</sup> See *Ex Parte* Letter from Patrick Donovan, Attorney, First Responder Network Authority to Marlene H. Dortch, Secretary, FCC, PS Docket No. 16-269 (filed June 5, 2017) (“FirstNet *Ex Parte*”).